

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 40 Session of
2023

INTRODUCED BY HUGHES, SCHWANK, HAYWOOD, COLLETT, SANTARSIERO,
FONTANA, FLYNN, DILLON, KANE, STREET, TARTAGLIONE,
CAPPELLETTI, KEARNEY, COSTA, COMMITTA AND SAVAL,
JANUARY 31, 2023

REFERRED TO STATE GOVERNMENT, JANUARY 31, 2023

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated
2 Statutes, in preliminary provisions, further providing for
3 definitions; in registration system, further providing for
4 departmental responsibilities and for SURE system; in voter
5 registration, further providing for methods of voter
6 registration and for application with driver's license
7 application, providing for Commonwealth agencies and other
8 entities and further providing for preparation and
9 distribution of applications and for approval of registration
10 applications; and providing for privacy and security
11 standards for voter registration in this Commonwealth.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The definitions of "applicant," "registration
15 card" and "registration records" in section 1102 of Title 25 of
16 the Pennsylvania Consolidated Statutes are amended and the
17 section is amended by adding a definition to read:

18 § 1102. Definitions.

19 Subject to additional definitions contained in subsequent
20 provisions of this part which are applicable to specific
21 provisions of this part, the following words and phrases when

used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Applicant." An individual who is automatically registered or who applies to be registered to vote as provided for in this part.

* * *

"Employment or program application." All of the following:

(1) An application for employment filed with any of the following:

(i) The Bureau of State Employment.

(ii) An independent agency of this Commonwealth.

(iii) The State Civil Service Commission.

(2) An application for any financial assistance, compensation, benefit or service available, offered or to which the individual is entitled pursuant to any program administered by the following:

(i) The Department of Aging.

(ii) The Department of Health.

(iii) The Department of Human Services.

(iv) The Insurance Department.

(v) The Department of Labor and Industry.

(vi) The Department of Military and Veterans Affairs.

(vii) The Department of Revenue.

(viii) The Treasury Department.

(ix) The Pennsylvania Housing Finance Agency.

(x) Any other offices in this Commonwealth that provide public assistance or that provide State-funded programs primarily engaged in providing services to low-income individuals, the elderly or individuals with

1 disabilities.

2 (3) An application for admission to a State-owned or
3 State-related institution of higher education in this
4 Commonwealth.

5 (4) An application for financial assistance filed with
6 the Pennsylvania Higher Education Assistance Agency.

7 * * *

8 "Registration card." A registration record, including an
9 electronic record, containing all information required on the
10 registration application, including the elector's signature or
11 electronic signature, and suitable space for the insertion by
12 the appropriate official of the following information:

13 (1) The ward and election district of residence.

14 (2) The registrant's street address.

15 (3) Data required to be given upon removal from the
16 registrant's residence.

17 (4) The date of each election at which the registrant
18 votes.

19 (5) The number and letter of the stub of the ballot
20 issued to the registrant or the registrant's number in the
21 order of admission to the voting machines.

22 (6) The initials of the election officer who enters the
23 record of voting in the district register.

24 (7) Whether the registrant needs assistance to vote and,
25 if so, the nature of the disability.

26 "Registration records." The general register, district
27 register and any other record of registration, including an
28 electronic record, maintained by a commission. The term includes
29 any record maintained by the commission on the Statewide Uniform
30 Registry of Electors.

* * *

Section 2. Sections 1201, 1222(c)(8), 1321 and 1323 of Title 25 are amended to read:

§ 1201. Departmental responsibilities.

The department shall do all of the following:

(1) Provide for applicants to submit their voter registration application to a commission, the Department of Transportation and other agencies designated in section 1325 (relating to government agencies).

(2) Prescribe a procedure for the return of completed voter registration applications from and the schedule by which the Department of Transportation, the Department of [Public Welfare] Human Services, armed forces recruitment centers, Offices of the Clerk of Orphan's Court and all other offices authorized under [this part to the secretary or the appropriate commission.] sections 1323 (relating to automatic registration with driver's license application), 1325 and 1325.1 (relating to Commonwealth agencies and other entities) to register individuals to vote shall provide to the department electronic records containing the legal name, age, residence and citizenship information for, and the electronic signature of, each individual who meets qualifications identified by the secretary by guideline for automatic registration.

(3) Develop, establish, implement and administer a Statewide Uniform Registry of Electors in accordance with Subchapter B (relating to Statewide Uniform Registry of Electors (SURE)).

(4) Promulgate regulations necessary to administer this part.

1 § 1222. SURE system.

2 * * *

3 (c) Requirements.--The SURE system shall be developed as a
4 single, uniform integrated computer system. All commissions
5 shall be connected electronically to the SURE system and shall
6 maintain their registration records in the system. The SURE
7 system shall, at a minimum, do all of the following:

8 * * *

9 (8) Provide for the electronic transfer of voter
10 registration information transmitted pursuant to section 1502
11 (relating to transfer of registration), completed voter
12 registration applications and changes of address in
13 accordance with this part.

14 * * *

15 § 1321. Methods of voter registration.

16 (a) Application.--An individual qualified to register to
17 vote under section 1301(a) (relating to qualifications to
18 register) may apply to register [as follows] in accordance with:

19 (1) [Under section] Section 1322 (relating to in-person
20 voter registration).

21 (2) [Under section] Section 1323 (relating to
22 [application] automatic registration with driver's license
23 application).

24 (3) [Under section] Section 1324 (relating to
25 application by mail).

26 (4) [Under section] Section 1325 (relating to government
27 agencies).

28 (b) Automatic registration.--An individual qualified to
29 register to vote under section 1301(a) who applies for or uses
30 government services pursuant to section 1323 or 1325.1 (relating

1 to Commonwealth agencies and other entities) shall be registered
2 automatically unless an individual chooses not to register
3 automatically as provided for in this chapter.

4 § 1323. [Application] Automatic registration with driver's
5 license application.

6 (a) General rule.--

7 (1) The Department of Transportation shall provide for
8 simultaneous [application for] voter registration in
9 conjunction with the process under 75 Pa.C.S. § 1510
10 (relating to issuance and content of driver's license). An
11 application under this subsection shall serve as an
12 application to register to vote unless the applicant fails to
13 sign the voter registration application.

14 (1.1) The secretary shall prescribe a procedure and
15 schedule by which the Department of Transportation shall
16 collect voter information and provide to the department
17 electronic registration records containing the legal name,
18 age, residence and the electronic signature of each
19 individual who reports being a citizen of the United States,
20 is subject to penalties under 18 Pa.C.S. § 4904 (relating to
21 unsworn falsification to authorities) and meets
22 qualifications identified by the secretary. The secretary has
23 the primary responsibility for implementing and enforcing the
24 driver's license voter registration system created under this
25 section. The secretary, in consultation with the Secretary of
26 Transportation, may promulgate regulations for implementing
27 this section.

28 (1.2) Upon receiving the electronic registration record
29 for, and electronic signature of, an individual described in
30 paragraph (1.1), the secretary shall provide the information

1 to the commission in which the individual may be registered
2 as an elector under the laws of this Commonwealth and under
3 52 U.S.C. Ch. 205 (relating to national voter registration).
4 The commission shall provide each individual with the process
5 to:

6 (i) Decline being registered as a voter.

7 (ii) Adopt a political party affiliation, along with
8 information as to which elections require a political
9 party affiliation for participation.

10 (1.3) If an individual notified under paragraph (1.2)
11 does not decline to be registered as an elector within 21
12 calendar days after the commission issues the notification,
13 the individual's electronic registration record and
14 electronic signature submitted under paragraph (1.1) shall
15 constitute a completed voter registration application for
16 purposes of this chapter. The individual shall be registered
17 to vote if the individual is eligible to vote under the laws
18 of this Commonwealth and is not already registered to vote.

19 (1.4) An individual notified under paragraph (1.2) who
20 does not decline to be registered as an elector within 21
21 calendar days after the commission issues the notification
22 and does not adopt a political party affiliation shall be
23 required to adopt a political party affiliation prior to
24 voting at the next primary election at which the individual
25 exercises his or her right to vote. If no such political
26 affiliation is adopted, an individual shall be permitted to
27 vote at the next election that does not require a political
28 party affiliation to participate.

29 (1.5) A commission may not send a ballot to, or add to
30 an elector registration list, an individual who does not have

1 a completed registration under paragraph (1.2).

2 (2) An application for voter registration or automatic
3 registration submitted to the Department of Transportation
4 under this subsection shall be considered as updating any
5 previous voter registration information by a registrant.

6 (3) Any change of address submitted to the Department of
7 Transportation for the purposes of driver licensing or an
8 identification card under 75 Pa.C.S. § 1510 shall serve as
9 notification of change of address for voter registration for
10 the registrant involved unless the registrant indicates that
11 the change of address is not for voter registration purposes.

12 (b) Process.--

13 (1) The Department of Transportation shall both provide
14 for an application for voter registration as part of a
15 driver's license application[.] and collect voter
16 registration information as part of an application submitted
17 under 75 Pa.C.S. § 1510 by an individual who meets the
18 qualifications to register under section 1301(a) (relating to
19 qualifications to register).

20 (2) The format of the driver's license/voter
21 registration application and information to be collected
22 shall be determined and prescribed by the secretary and the
23 Secretary of Transportation[.] and shall include all the
24 requirements of an official voter registration application
25 specified in section 1327 (relating to preparation and
26 distribution of applications).

27 (3) The voter registration application portion of the
28 application shall contain all the requirements of an official
29 voter registration application specified in section 1327
30 [(relating to preparation and distribution of applications)].

1 The voter registration portion of the application:

2 (i) may not require any information that duplicates
3 information required in the driver's license portion of
4 the form, other than a second signature; and

5 (ii) may require only the minimum amount of
6 information necessary to prevent duplicate voter
7 registration, to enable the commission to assess the
8 eligibility of the applicant and to administer voter
9 registration and other parts of the election process.

10 (c) Transmission.--

11 (1) The Department of Transportation shall forward
12 completed applications or contents of the completed voter
13 registration applications in machine-readable format to the
14 department by the close of registration for the ensuing
15 election. The Department of Transportation shall forward the
16 electronic registration record containing the information set
17 forth in subsection (a)(1.1) to the secretary as prescribed
18 by section 1201(2) (relating to departmental
19 responsibilities) regarding an individual who reports being a
20 citizen of the United States, subject to penalties under 18
21 Pa.C.S. § 4904.

22 (2) [The] Upon receipt, the department shall transmit
23 the material to the appropriate commission within ten days
24 after the date of its receipt by the Department of
25 Transportation. If a voter registration application is
26 received by the Department of Transportation within five days
27 before the last day to register before an election, the
28 application shall be transmitted to the appropriate
29 commission not later than five days after the date of its
30 receipt by the Department of Transportation.

1 (3) (i) Upon receipt of the completed voter
2 registration information from the department, the
3 commission shall make a record of the date of the receipt
4 of the application or electronic registration record and
5 process the application. No applicant shall be deemed
6 eligible to vote until the commission has received and
7 approved the application. Upon receipt of an electronic
8 registration record from the department, the commission
9 shall notify the individual of the process to:

10 (A) Decline being registered as a voter.

11 (B) Adopt a political party affiliation, along
12 with information as to which elections require a
13 political party affiliation for participation.

14 (ii) If an individual notified under subparagraph
15 (i) does not decline to be registered as an elector
16 within 21 calendar days after the commission issues the
17 notification, the individual's electronic record and
18 electronic signature submitted under paragraph (1) shall
19 constitute a completed voter registration application for
20 purposes of this chapter. The individual shall be
21 registered to vote if the individual is eligible to vote
22 under the laws of this Commonwealth and is not already
23 registered to vote.

24 (iii) A commission may not send a ballot to, or add
25 to an elector registration list, an individual who does
26 not have a completed voter registration under
27 subparagraph (ii).

28 (3.1) After the Department of Transportation is
29 connected to the SURE system and notwithstanding paragraphs
30 (1), (2) and (3), the Department of Transportation shall

1 transmit electronically the contents of a completed voter
2 registration application within five days of receipt of the
3 application. The Department of Transportation shall transmit
4 the electronic registration records of individuals who have
5 reported, subject to penalties under 18 Pa.C.S. § 4904, that
6 the individual is a citizen of the United States and shall
7 contain the information in subsection (a)(1.1) within 24
8 hours of collection of the information. Upon receipt of the
9 information from the Department of Transportation, a
10 commission shall, in the case of an application, make a
11 record of the date of the receipt of the application and
12 process the application in accordance with section 1328
13 (relating to approval of registration applications) or, in
14 the case of an electronic registration record, proceed in
15 accordance with paragraph (3). If the commission of the
16 county of residence has not been connected to the SURE
17 system, the Department of Transportation shall forward the
18 completed application or contents of the completed
19 application or the electronic registration record to the
20 department in accordance with paragraph (1). No applicant
21 shall be deemed eligible to vote until the commission has
22 received and approved an application in accordance with
23 section 1328.

24 (4) Changes of address shall comply with the following:

25 (i) Before the Department of Transportation is
26 connected to the SURE system, the Department of
27 Transportation shall notify the department of changes of
28 address received under subsection (a)(3). The department
29 shall notify the commission of the county of the
30 registrant's former residence. After the Department of

1 Transportation is connected to the SURE system, the
2 Department of Transportation shall notify the commission
3 of the county of the registrant's former residence. If
4 the registrant has moved to an address outside this
5 Commonwealth, the commission shall verify the address
6 change in accordance with section 1901 (relating to
7 removal of electors). Except as provided in subparagraph
8 (ii), if the registrant confirms in accordance with
9 section 1901(d) that he has moved to another county, the
10 commission shall cancel the registration and forward the
11 registrant's registration information to the commission
12 of the registrant's new county of residence. Except as
13 provided in subparagraph (ii), if the registrant has
14 moved to an address within the commission's jurisdiction,
15 the commission shall promptly update the registration
16 record of the registrant in accordance with section 1328.
17 All changes of address received by the Department of
18 Transportation under this section at least 30 days before
19 an election must be processed by the commission for the
20 ensuing election. For the purpose of this paragraph, the
21 term "registration information" means the registration
22 card and any other record of registration maintained by a
23 commission.

24 (ii) In the case of changes of address received by
25 the Department of Transportation which do not contain a
26 signature of the registrant, the commission receiving the
27 change of address notification shall mail a notice to the
28 registrant at the new residence address requesting
29 verification of the address change. If the change of
30 address is to a new residence outside the commission's

jurisdiction, the commission shall mail the following notice:

Date.....

Office of the Registration Commission

..... County, Pennsylvania

..... (Address and Telephone No. of County)

We have been notified by the Department of Transportation that you recently changed your address from (old residence address) to (new residence address) and that this change of address is to serve as a change of address for voter registration purposes. Unless you notify this office within ten days from the date of this notice that this information is not correct, your voter registration will be transferred to County. You may notify this office by writing your residence address, the date and your signature on the bottom of this form and mailing this notice to this office. You need not notify this office if this information is correct.

.....

Chief Clerk

If the address change is within the commission's jurisdiction, the commission shall mail a voter's identification card to the registrant at the new residence address.

(iii) If the registrant does not return the notice under subparagraph (ii) within the ten-day period, the commission shall process the change of address according to subparagraph (i). If the registrant notifies the commission that the information is incorrect and the

1 commission is satisfied with the registrant's explanation
2 of the discrepancy, the address of the registrant's
3 registration shall remain unchanged. If the verification
4 notification or voter identification card is returned by
5 the post office as undeliverable as addressed or with a
6 forwarding address, the commission shall send a
7 confirmation notice to the registrant's address of former
8 residence in accordance with section 1901(d)(2).

9 (5) Upon notification and confirmation of any change of
10 address, a commission shall promptly update information
11 contained in its registration record.

12 (d) Prohibition.--[An] The Department of Transportation may
13 not register to vote under this section an individual who is not
14 a qualified elector [is ineligible to register to vote under
15 this section].

16 (e) Effect.--Failure to properly complete a voter
17 registration application or refusal to provide voter
18 registration information shall not affect the validity of an
19 application for a driver's license, a renewal application or an
20 identification card application.

21 (f) Use of information.--No information regarding a
22 declination to register to vote in connection with an
23 application [made] submitted or not submitted if an individual
24 has not certified that the individual is a citizen of the United
25 States, subject to penalties under 18 Pa.C.S. § 4904, under this
26 section may be used for any purpose other than voter
27 registration.

28 (g) Staff.--Agents and employees working on behalf of the
29 Department of Transportation assisting in the completion of
30 voter registration applications or collecting voter registration

1 information under this section shall conduct themselves in a
2 manner consistent with the following principles:

3 (1) They shall not seek to influence an applicant's
4 political preference or party registration or display
5 political preference or party allegiance.

6 (2) They shall not make a statement to an applicant or
7 take an action the purpose or effect of which is to
8 discourage the applicant from registering to vote or
9 providing voter registration information.

10 (3) Applicants wishing to register to vote under this
11 section shall be given the same degree of assistance with the
12 voter registration application as with all other Department
13 of Transportation forms.

14 Agency employees who violate this subsection or who fail to
15 collect the information required under subsection (a)(1.1) or
16 fail to forward the information to the department or the SURE
17 system shall be removed from employment, provided that the
18 agency at its discretion may impose a penalty of suspension
19 without pay for at least 30 days, but not more than 120 days, if
20 it finds that the violation does not warrant termination.

21 Section 3. Title 25 is amended by adding a section to read:

22 § 1325.1. Commonwealth agencies and other entities.

23 (a) Administration.--The secretary shall administer a system
24 whereby each individual submitting an employment or program
25 application shall provide for simultaneous voter registration in
26 conjunction with an employment or program application filed with
27 the agency or entity.

28 (b) Procedure.--The secretary shall prescribe a procedure
29 and schedule by which each entity under this section shall
30 provide to the department electronic records containing the

1 legal name, age, residence and citizenship information for, and
2 the electronic signature of, each individual who has certified
3 that the individual is a citizen of the United States, subject
4 to penalties under 18 Pa.C.S. § 4904 (relating to unsworn
5 falsification to authorities), and any other information
6 required under this chapter.

7 (c) Effect.--Refusal to provide voter registration
8 information shall not affect the validity of an employment or
9 program application, consideration of the application or
10 eligibility for any financial assistance, compensation, benefit
11 or service available, offered or to which the individual is
12 entitled pursuant to any program.

13 (d) Staff.--

14 (1) Agency or entity employees collecting voter
15 registration information under this section shall conduct
16 themselves in a manner consistent with the following
17 principles:

18 (i) The employee may not seek to influence an
19 applicant's political preference or party registration or
20 display political preference or party allegiance.

21 (ii) The employee may not make a statement to an
22 applicant or take an action the purpose of or effect of
23 which is to discourage the applicant from providing voter
24 registration information.

25 (iii) The employee may not make a statement to an
26 applicant or take an action the purpose of or effect of
27 which is to lead the applicant to believe that refusing
28 to provide voter registration information has any bearing
29 on the application, including its consideration, the
30 likelihood of employment or, in the case of an

1 application to a State-owned or State-related university,
2 acceptance, or the availability of services or benefits.

3 (2) Agency or entity employees who violate this
4 subsection, who fail to collect the information required
5 under subsection (b) or fail to forward the information to
6 the department shall be removed from employment, except that
7 the agency or entity at its discretion may impose a penalty
8 of suspension without pay for at least 30 days, but not more
9 than 120 days, if it finds that the violation does not
10 warrant termination.

11 (e) Encouraging registration.--Agencies and entities subject
12 to this section must provide reasonable space for nonpartisan
13 signs or posters advising individuals of automatic voter
14 registration. The signs and posters shall be provided by the
15 secretary.

16 (f) Transmission.--The following shall apply:

17 (1) Agencies and entities subject to this section shall
18 forward the electronic registration record of individuals who
19 certify that the individual is a citizen of the United
20 States, subject to penalties under 18 Pa.C.S. § 4904,
21 containing the information in subsection (b) to the secretary
22 as prescribed by section 1201(2) (relating to departmental
23 responsibilities).

24 (2) Upon receipt, the department shall transmit the
25 material to the appropriate commission.

26 (3) Upon receipt of the electronic record from the
27 department, the commission shall notify the individual of the
28 process to:

29 (i) Decline being registered as a voter.

30 (ii) Adopt a political party affiliation, along with

1 information as to which elections require a political
2 party affiliation for participation.

3 (4) The individual's electronic record and electronic
4 signature submitted under paragraph (1) shall constitute a
5 completed voter registration card for purposes of this
6 chapter. The individual shall be registered to vote if the
7 individual is eligible to vote under the laws of this
8 Commonwealth and is not already registered to vote.

9 (5) An individual notified under paragraph (3) who does
10 not decline to be registered as an elector within 21 calendar
11 days after the commission issues the notification and does
12 not adopt a political party affiliation shall be required to
13 adopt a political party affiliation prior to voting at the
14 next primary election at which the individual exercises the
15 individual's right to vote. If no such political affiliation
16 is adopted, an individual shall be permitted to vote at the
17 next election that does not require a political party
18 affiliation to participate.

19 (6) A commission may not send a ballot to, or add to an
20 elector registration list, an individual who does not have a
21 completed voter registration pursuant to paragraph (4).

22 (g) Confidentiality.--The identity of an agency or entity
23 through which a particular voter is registered in accordance
24 with this section may not be disclosed to the public.

25 (h) Use of information.--No information relating to voter
26 registration collected by agencies or entities, including, but
27 not limited to, an individual's citizenship status under this
28 section or information relating to an individual's election to
29 decline to register as a voter may be used for a purpose other
30 than voter registration.

1 (i) Regulation.--The secretary shall promulgate regulations
2 regarding the maintenance and destruction of forms used pursuant
3 to this section.

4 Section 4. Sections 1327(a)(3) and (4) and (b)(3) and
5 1328(b) and (c)(1) and (2) of Title 25 are amended to read:

6 § 1327. Preparation and distribution of applications.

7 (a) Form.--

8 * * *

9 (3) Any person who assists in the completion of the
10 registration application shall sign the application and
11 indicate the person's address. In the case of those
12 [registering] automatically registered electronically under
13 [sections] section 1323 (relating to [application] automatic
14 registration with driver's license application) [and], 1325
15 (relating to government agencies) or 1325.1 (relating to
16 Commonwealth agencies and other entities), the person
17 providing assistance shall insert the person's initials or
18 employee or agent identification number on a separate or
19 detachable portion of the application or the computer data
20 file.

21 (4) A voter registration application shall be printed on
22 stock of good quality and shall be of suitable uniform size.
23 Nothing in this part shall prohibit the design and use of an
24 electronic voter registration application which includes the
25 applicant's digitized or electronic signature. The
26 registration application shall contain the following
27 information; however, the information may be provided on a
28 separate form for automatic voter registration made under
29 section 1323 [or], 1325 or 1325.1:

30 (i) Notice that a registered elector does not need

1 to reregister unless the registered elector has moved.

2 (ii) Instructions on how to fill out and submit the
3 application and notification of when the application must
4 be submitted to a voter registration office in order to
5 be registered for the ensuing election.

6 (iii) Notice that the applicant must be a citizen of
7 the United States for at least one month prior to the
8 next election and a resident of this Commonwealth and the
9 election district for at least 30 days and must be at
10 least 18 years of age by the day of the next ensuing
11 election and has not been confined in a penal institution
12 for a conviction of a felony within the last five years.
13 The notice required in this subparagraph shall be in
14 print identical to the declaration under subsection (b).

15 (iv) Notice that political party enrollment is
16 mandatory to vote in a primary election of a political
17 party.

18 (v) [Notice] For a paper application, notice that
19 the commission will mail by nonforwardable mail to the
20 applicant a voter's identification card upon acceptance
21 of the application and that the applicant should contact
22 the commission if the identification card is not received
23 within 14 days from the date the application is sent to
24 the registration office.

25 (v.1) For automatic registration under section 1323,
26 1325 or 1325.1, notice that the commission will notify
27 the individual of the registration and that if the
28 individual does not decline to be registered as an
29 elector within 21 calendar days after the commission
30 issues the notification, the individual's electronic

1 record and electronic signature submitted under paragraph
2 (1) shall constitute a completed voter registration card
3 for purposes of this chapter.

4 (vi) Notice that registration is not complete until
5 the application is processed and accepted by the
6 commission.

7 (vii) A warning to the applicant that making a false
8 registration or furnishing false information is perjury.
9 The notice required in this subparagraph shall be in
10 print identical to the declaration under subsection (b).

11 (viii) Instructions to Federal or State employees
12 who wish to retain voting residence in county of last
13 residence to so indicate on the application.

14 (ix) Notice that, if an individual declines to
15 register to vote, the fact that the individual has
16 declined to register will remain confidential and will be
17 used only for voter registration purposes. The notice
18 required in this subparagraph shall be in print identical
19 to the declaration under subsection (b).

20 (x) Notice that, if an individual does register to
21 vote, the office at which the individual submits a voter
22 registration application or was automatically registered
23 will remain confidential and will be used for voter
24 registration purposes only. The notices required in this
25 subparagraph shall be in print identical to the
26 declaration in subsection (b).

27 * * *

28 (b) Registration declaration.--

29 * * *

30 (3) The registration declaration shall contain the

printed name and signature of the applicant and the date of signing. An applicant unable to sign the voter registration application shall make a mark before a person of the applicant's choice other than the applicant's employer or an agent of the applicant's union. The person shall insert the person's name, address and telephone number. If the person is an employee or agent of the Department of Transportation or another agency as provided under section 1325 and is assisting the applicant in an official capacity, the employee or agent shall insert the initials and identification number of the employee or agent. In the case of applicants registering under section 1323 or 1325, the person providing assistance shall insert initials or employee or agent identification number on [a separate or detachable portion of the application or] the computer data file.

* * *

§ 1328. Approval of registration applications.

* * *

(b) Decision.--A commission shall do one of the following:

(1) Record and forward a voter registration application to the proper commission if the commission finds during its examination under subsection (a) that the applicant does not reside within the commission's county but resides elsewhere in this Commonwealth.

(2) Reject a voter registration application or an electronic voter registration record transferred under section 1323 (relating to automatic registration with driver's license application), 1325 (relating to government agencies) or 1325.1 (relating to Commonwealth agencies and other entities), indicate the rejection and the reasons for

1 the rejection on the application or electronic voter
2 registration record and notify the applicant by first class
3 nonforwardable mail, return postage guaranteed of the
4 rejection and the reason if the commission finds during its
5 examination under subsection (a) any of the following:

6 (i) The application or electronic registration was
7 not properly completed and, after reasonable efforts by
8 the commission to ascertain the necessary information,
9 the application or electronic registration remains
10 incomplete or inconsistent.

11 (ii) The applicant is not a qualified elector.

12 (iii) The applicant is not entitled to a transfer of
13 registration or a change of address.

14 (iv) The applicant is not legally qualified for a
15 change of name.

16 A rejection shall be made no later than ten days before the
17 election succeeding the filing of the application.

18 (3) Process a voter registration application or
19 electronic registration in accordance with subsection (c) if
20 the commission finds during its examination under subsection
21 (a) all of the following:

22 (i) The application or electronic registration
23 requests registration.

24 (ii) The application or electronic registration
25 contains the required information indicating that the
26 applicant is a qualified elector of the county.

27 (4) Process a voter registration application or
28 electronic registration in accordance with subsection (c) and
29 update its registration records if the commission finds
30 during its examination under subsection (a) all of the

1 following:

2 (i) The application or electronic registration
3 requests registration.

4 (ii) The application or electronic registration
5 contains the required information indicating that the
6 applicant is a qualified elector of the county.

7 (iii) The applicant is currently a registered
8 elector of the county.

9 (5) Process a voter registration application or
10 electronic registration in accordance with subsection (c) and
11 request transfer of registration records in accordance with
12 subsection (d) if the commission finds during its examination
13 under subsection (a) all of the following:

14 (i) The application or electronic registration
15 requests registration.

16 (ii) The application or electronic registration
17 contains the required information indicating that the
18 applicant is a qualified elector of the county.

19 (iii) The applicant is currently a registered
20 elector of another county.

21 (6) Process a voter registration application or
22 electronic registration in accordance with subsection (c) and
23 request transfer of registration records in accordance with
24 subsection (d) if the commission finds during its examination
25 under subsection (a) all of the following:

26 (i) The application or electronic registration
27 requests a transfer of registration.

28 (ii) The application or electronic registration
29 contains the required information indicating that the
30 applicant is a qualified elector of the county.

(iii) The applicant is currently a registered elector of another county.

(7) Process a voter registration application or electronic registration in accordance with subsection (c) and update its registration if the commission finds during its examination under subsection (a) all of the following:

(i) The application or electronic registration requests a change of address.

(ii) The application or electronic registration contains the required information indicating that the applicant is a qualified elector of the county.

(iii) The applicant is currently a registered elector of the county.

(8) Process a voter registration application or electronic registration in accordance with subsection (c) and update its registration records if the commission finds during its examination under subsection (a) all of the following:

(i) The application or electronic registration requests a change of name.

(ii) The applicant is legally qualified to a change of name.

(iii) The application or electronic registration contains the required information indicating that the applicant is a qualified elector of the county.

(iv) The applicant is currently a registered elector of the county.

(c) Processing of voter registration.--

(1) When a commission has accepted a voter registration application or electronic registration under subsection (b)

1 (3), the commission shall assign each applicant a unique
2 identification number in the SURE system. [The] Except as
3 provided in section 1323(c)(3)(ii), 1325(f) or 1325.1(f)(4),
4 the commission shall mail a wallet-sized voter's
5 identification card to the individual by first class
6 nonforwardable mail, return postage guaranteed, which shall
7 serve as notice of the acceptance of the application. The
8 card shall contain all of the following:

9 (i) Name and address of the individual.

10 (ii) Name of municipality of residence.

11 (iii) Identification of the individual's ward and
12 district.

13 (iv) The effective date of registration.

14 (v) Designation of party enrollment and date of
15 enrollment.

16 (vi) A space for the individual's signature or mark.

17 (vii) The unique identification number of the
18 individual.

19 (viii) A statement that the individual must notify
20 the commission within ten days from the date it was
21 mailed if any information on the card is incorrect;
22 otherwise, the information shall be deemed correct for
23 voter registration purposes.

24 (2) When a commission has accepted a voter registration
25 application under subsection (b)(4), (5), (6), (7) or (8),
26 except as provided in section 1323(c)(3)(ii), 1325(f) or
27 1325.1(f)(4), the commission shall mail a wallet-sized
28 voter's identification card to the individual by first class
29 nonforwardable mail, return postage guaranteed, which shall
30 serve as notice of the acceptance of the application. The

card shall contain all of the following:

(i) Name and address of the individual.

(ii) Name of municipality of residence.

(iii) Identification of the individual's ward and district.

(iv) The effective date of registration.

(v) Designation of party enrollment and date of enrollment.

(vi) A space for the individual's signature or mark.

(vii) The SURE registration number of the individual.

(viii) A statement that the individual must notify the commission within ten days from the date it was mailed if any information on the card is incorrect; otherwise, the information shall be deemed correct for voter registration purposes.

* * *

Section 5. Title 25 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 20

PRIVACY AND SECURITY STANDARDS

Sec.

2001. Establishment of privacy and security standards.

2002. Regulations, policies and enforcement procedures.

2003. Recordkeeping.

2004. Protections against liability.

2005. Protections against misuse of information.

§ 2001. Establishment of privacy and security standards.

The secretary shall establish standards and procedures to safeguard the privacy of the residents of this Commonwealth and

1 the integrity and security of the information on the Statewide
2 voter registration database.

3 § 2002. Regulations, policies and enforcement procedures.

4 (a) Regulations.--The secretary shall promulgate regulations
5 regarding privacy and security policies specifying each class of
6 users who shall have authorized access to the Statewide voter
7 registration database, specifying for each class the permissions
8 and levels of access to be granted, and providing for other
9 safeguards to protect the privacy and security of the
10 information on the Statewide voter registration database. The
11 regulations shall:

12 (1) prohibit public disclosure of certain voter
13 information, including the source for a voter's registration
14 and any information not necessary to voter registration;

15 (2) protect against public disclosure of Social Security
16 numbers, driver's license numbers and signatures;

17 (3) prohibit public disclosure of an individual's
18 decision not to register to vote;

19 (4) prohibit Commonwealth agencies from transmitting to
20 election officials information other than that required for
21 voter registration or specific information relevant to the
22 administration of elections, including language preferences
23 and demographic information; and

24 (5) prohibit the disclosure of information relating to
25 individuals in categories designated confidential by Federal
26 or State law, including victims of domestic violence or
27 stalking, prosecutors and law enforcement personnel and
28 participants in a witness protection program.

29 (b) Unauthorized access prohibited.--The secretary shall
30 establish policies and enforcement procedures to prevent

1 unauthorized access to the Statewide voter registration database
2 and to any list provided by a source or list maintenance source.

3 (c) Interagency transfers.--The secretary shall establish
4 policies and enforcement procedures to maintain security during
5 interagency transfers of information on the Statewide voter
6 registration database. A source agency participating in an
7 interagency transfer of information shall facilitate and comply
8 with the policies. Nothing in this subsection may be construed
9 to prohibit a source agency from establishing and enforcing
10 additional security measures to protect the confidentiality and
11 integrity of interagency data transfers.

12 (d) Records retention.--The Secretary of the Commonwealth
13 shall establish standards and procedures to maintain all
14 election records required under law, including election records
15 used for the purpose of determining the eligibility of
16 individuals casting provisional ballots. Records for individuals
17 who have been retained on the Statewide voter registration
18 database but are identified as ineligible to vote within this
19 Commonwealth, or removed from the Statewide voter registration
20 database due to ineligibility, shall be maintained and kept
21 available until at least the date of the second general election
22 that occurs after the date that the individual was identified as
23 ineligible.

24 § 2003. Recordkeeping.

25 (a) Report.--The secretary shall produce an annual public
26 report for submission to the General Assembly, including:

27 (1) the number of records that have been transferred
28 under law, by source;

29 (2) the number of individuals newly added to the
30 Statewide voter registration database because of records

1 transferred under this part, by source;

2 (3) the number of individuals on the Statewide voter
3 registration database whose information was updated because
4 of records transferred under this part, by source;

5 (4) the number of records that do not relate to
6 individuals affirmatively identified as eligible to vote
7 transferred under this part, by source;

8 (5) the number of individuals who opted out of voter
9 registration;

10 (6) the number of individuals who submit requests to
11 update or correct voter registration information through the
12 SURE system, by the type of information updated;

13 (7) the number of individuals who submit voter
14 registration forms using the online procedure; and

15 (8) the number of individuals who correct voter
16 registration information using the election day procedure.

17 (b) Race analysis.--In preparing the report under subsection
18 (a), the secretary shall, for each category of information
19 described under subsection (a), include an analysis of the race
20 of the individuals, to the extent that information on the race
21 of the individuals is available to the secretary.

22 (c) Confidentiality.--The report under subsection (a) shall
23 exclude any information that reveals an individual's identity.

24 § 2004. Protections against liability.

25 Any individual who is not eligible to vote and who becomes
26 registered under law may not be found on that basis to have made
27 a false claim to citizenship or to have committed an act
28 involving moral turpitude, unless the individual signs a
29 document that affirmatively asserts that the individual is a
30 United States citizen after the date on which the individual is

1 registered to vote in this Commonwealth. If an individual who is
2 not eligible to vote becomes registered under law without
3 affirmatively accepting registration, that individual's voter
4 registration shall be considered to have official authorization
5 to vote in this Commonwealth.

6 § 2005. Protections against misuse of information.

7 (a) Registration use prohibited.--A person may not use the
8 Statewide voter registration database to attempt to determine
9 the citizenship status of any individual for any purpose other
10 than voter registration, election administration or the
11 enforcement of the laws of this Commonwealth against crimes
12 pertaining to elections.

13 (b) Information use prohibited.--Information relating to an
14 individual's absence from the Statewide voter registration
15 database or an individual's refusal to supply information for
16 voter registration purposes at a source may not be disclosed to
17 the public or used for any purpose other than voter
18 registration, election administration or the enforcement of the
19 laws of this Commonwealth against crimes pertaining to
20 elections.

21 (c) Nondiscrimination.--A person may not discriminate
22 against any individual on the basis of the individual's absence
23 from the Statewide voter registration database, the information
24 supplied by the individual for voter registration purposes at a
25 source or the individual's refusal to supply the information,
26 except as required to administer elections or enforce the laws
27 of this Commonwealth against crimes pertaining to elections.

28 Section 6. This act shall take effect in 60 days.